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AMERICAN MEDICAL SYSTEMS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO – ECF PROGRAM

ELLEN AMBROFF and TERRY  
AMBROFF,

Plaintiffs,

v.

AMERICAN MEDICAL SYSTEMS, INC.,  
and DOES ONE through TWENTY-FIVE,  
inclusive,

Defendants.

CASE NO. C08-04289 JL

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE  
MEDIATION**  
**Civil L.R. 7-12**

This Stipulation is entered into between plaintiffs, Ellen Ambroff and Terry Ambroff, by  
and through their counsel of record, Hersh and Hersh, a professional corporation, and defendant,  
American Medical Systems, Inc., by and through its counsel of record, Kenney & Markowitz,

Kenney  
&  
Markowitz  
L.L.P.

1 L.L.P. The parties stipulate as follows:

2 1. On January 13, 2010 the Court referred this action to mediation and assigned  
3 neutral, Jacqueline Scott Corley, on January 27, 2010. The Court ordered that the mediation be  
4 completed on or before April 13, 2010.

5 2. On February 2, 2010, during a pre-mediation conference telephone call with  
6 Jacqueline Corley, the parties scheduled a tentative mediation date of April 13, 2010. During the  
7 telephone conference call, the parties and Jacqueline Corley agreed that certain key witness  
8 depositions would be taken prior to the mediation so that the parties could participate in a more  
9 meaningful mediation session.

10 3. Unfortunately, counsel for AMS has been unable to schedule the deposition of Dr.  
11 Carter due to his absence for vacation and his attorney's schedule. Counsel for AMS is attempting  
12 to seek the cooperation of all concerned to schedule Dr. Carter's deposition as soon as practical.  
13 Dr. Carter is Ellen Ambroff's treating physician and implanted Ms. Ambroff with the medical  
14 device that plaintiff claims caused her injuries. According to AMS, Dr. Carter's deposition is  
15 important and his testimony will likely be key evidence in this action.

16 4. The parties stipulate and respectfully request that the Court vacate the current  
17 mediation deadline of April 13, 2010 and continue the mediation date by an additional 45 days to  
18 May 28, 2010 so that Dr. Carter's deposition can be taken prior to the mediation.

19 5. The parties have discussed the issue of Dr. Carter's unavailability and possible  
20 mediation continuance with Court-appointed neutral, Jacqueline Scott Corley. Ms. Corley also  
21 consents to a continuance of the mediation for this reason.

22 Respectfully submitted,

23  
24 DATED: March 29, 2010

**KENNEY & MARKOWITZ L.L.P.**

25  
26 By: /s/ Samantha D. Hilton  
KEN M. MARKOWITZ  
SAMANTHA D. HILTON  
Attorneys for Defendant  
AMERICAN MEDICAL SYSTEMS INC.

27  
28 Kenney  
&  
Markowitz  
L.L.P.

1 DATED: March 29, 2010

**HERSH AND HERSH**

3 By: /s/ Amy Eskin

4 AMY ESKIN

Attorney for Plaintiff

ELLEN AND TERRY AMBROFF

6 ~~PROPOSED~~ ORDER

7 Pursuant to the parties' stipulation, the Alternative Dispute Resolution completion deadline  
8 of April 13, 2010, is vacated. The parties are to complete Mediation on or before May 28, 2010.

9 IT IS SO ORDERED.

10 DATED: March 30, 2010

11   
12 JAMES LARSON

UNITED STATES MAGISTRATE JUDGE